

ENBODY, DUGAW & ENBODY

ATTORNEYS AT LAW

JOSEPH P. ENBODY
PAUL J. DUGAW
JOSEPH O. ENBODY

DAVID P. ARCURI
CHRISTINE E. NEWBRY

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Supreme Court of Washington
Post Office Box 40929
Olympia, WA 98504-0929

RE: Suggested Standards for Indigent Defense Services

Dear Justices:

Many of us who are private defense contractors hope that the proposed standards be altered if any standards at all are to be adopted. It is important that additional flexibility is required if we are to adopt a "one size fits all" approach.

The undisputed fact remains that different counties and cities have different community standards, especially at the misdemeanor level. Some jurisdictions still wish to prosecute those drivers that do not pay their tickets and are suspended, those drivers without a valid license and insurance, those who allow animals to run at large, those individuals who fail to transfer car titles in a timely fashion, those persons allowing unauthorized drivers to operate their motor vehicles, fishing/game violations, and a number of other cases that require limited expertise and comparatively speaking low amounts of time to resolve.

Consequently, I am hopeful that consideration be given to the following proposed changes:

- 1) Restrict the application of such standards to gross misdemeanor and felony cases. This would still allow local communities to prosecute what many other jurisdictions are no longer willing or able to prosecute such as those simple misdemeanors referenced above;
- 2) Allow a case weighting system for gross misdemeanors and misdemeanors that allows for weighting a case downward when the charge is disposed of by a reduction of the original charge to a less serious offense. The Current language would preclude us from doing so. This approach would not affect felony caseloads, but would allow for a weighted systems at the non-felony level when charges are substantially reduced. For example, DUIs are frequently reduced to a "no test", a DUI

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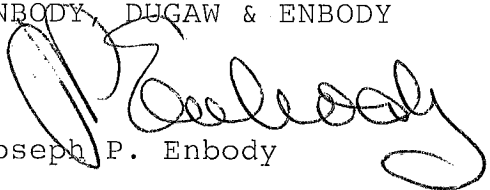
also may be reduced to a level of less than .15 BAC and/or may also be reduced to charges of Negligent or Reckless Driving, all of which are less serious offenses, but would not be accorded a weighting systems because they were not reduced to a non-criminal charge. Another example would be a reduction from Driving While License Suspended in the First Degree (mandatory jail) or Driving While License Suspended Second Degree (mandatory license revocation) to either Driving While License Suspended in the Third Degree or No Valid Operator's License with no mandatory jail or license suspension ramification. There are many other examples as well that will not be discussed here, but the fact remains that any such scenarios would not be accorded the availability of being weighted downward under the present rules; and

- 3) The weighting system should also give our local jurisdictions the ability to weight misdemeanor cases down to one-quarter of a case rather than what is proposed at one-third and should allow up to 500 misdemeanor caseloads in the event that simple misdemeanor cases are not excluded. If adopted in that fashion, the proposed rules could always be amended further if need exists, but the approach recommended here would allow for greater flexibility and for a greater degree of individual monitoring at the local level that would not exist under current proposals.

There are numerous reasons for the opposition to these proposed standards from so many different organizations that oppose the proposals in the present form and hope that their concerns will be carefully considered before any formal action is taken.

Very truly yours,

ENBODY, DUGAW & ENBODY


Joseph P. Enbody

JPE/lm